

GALE AND ERMA DOGGETT, ET AL.

IBLA 85-539 et al.

Decided June 26, 1986

Appeals from decisions of the Alaska State Office, Bureau of Land Management, rejecting PLO 1613 applications. AA 054921 et al.

Affirmed.

1. Patents of Public Lands: Effect

The effect of an interim conveyance is to convey legal title from the United States. Applications for lands to which the United States no longer holds title must be rejected.

APPEARANCES: Gale and Erma Doggett, et al., pro sese.

OPINION BY ADMINISTRATIVE JUDGE IRWIN

Appellants in these consolidated appeals 1/ filed applications in 1984 under PLO 1613 2/ for lots along the Old Glenn Highway in Alaska that were included in Interim Conveyance No. 071, dated December 7, 1977, granting the surface estate of lands to Eklutna, Inc., in accordance with sections 14(a) and 22(j) of the Alaska Native Claims Settlement Act, 43 U.S.C. 1613(a), 1621(j). By decisions dated March 13, April 9, and April 12, 1985, the Alaska State Office, Bureau of Land Management (BLM), rejected the applications "because the lands are no longer under the jurisdiction of the [BLM]." 3/ Appellants filed timely notices of appeal and argue they should be able to purchase the lots that front their property along the highway.

[1] BLM's decisions must be affirmed. The interim conveyance of the lots along the highway granted legal title to Eklutna, Inc., equivalent to a

1/ Gale J. and Erma C. Doggett, IBLA 85-539 (AA 54921); Thomas F. and Genevieve C. Blavka, IBLA 85-565 (AA 54876); and John C. and Barbara L. Franklin, IBLA 85-597 (AA 54196).

2/ PLO 1613, Apr. 7, 1958, 23 FR 2376 (Apr. 11, 1958) implemented 43 U.S.C. §§ 971a, 971b (1982) and offered for sale lands previously withdrawn for a highway right-of-way to owners of adjoining lands in private ownership. See generally Robert and Patricia Bailey et al., 89 IBLA 369, 92 I.D. 606 (1985).

3/ The Apr. 9, 1985, decision issued to the Franklins was amended May 7, 1985.

patent. Kenai Natives Association, Inc., 87 IBLA 58, 61 (1985). Applications for land to which the United States no longer holds title must be rejected. James and Gloria Eldorado, 82 IBLA 9 (1984).

Therefore, in accordance with the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decisions appealed from are affirmed.

Will A. Irwin
Administrative Judge

We concur:

Franklin D. Arness
Administrative Judge

C. Randall Grant, Jr.
Administrative Judge.

